THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.20537 of 2007

Between:

Kambam Subbamma and others.

.. PETITIONERS

and

The Revenue Divisional Officer, Rajampet and another.

.. RESPONDENTS

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WRIT PETITION No.20537 of 2007

ORDER:

It is the case of the petitioners that the Government assigned the land admeasuring Ac.5-00 gts. in favour of some of the petitioners and less than Ac.500 gts. in favour of some of the petitioners in the month of November, 1986 and since then they have been enjoying the said lands by cultivating the same. While so, the 1st respondent issued various notices, dated 02-01-2007, in Ref.No.B-1709-06, stating that the petitioners do not belong to Somireddipalli village and they obtained pattas in Sy.Nos.800 to 860 and 1465 to 1506 of Cheetipaya area of Somireddipalli village. It is further stated that they have not obtained any ration card and there is no proof of payment of house tax and electricity bill and their names were also not found in the voters list and there is also no evidence to show that they are the residents of Somireddipalli village and therefore, there is violation of condition No.2 of the assignment. Accordingly, the petitioners were directed to appear before the 2nd respondent, otherwise appropriate action will be taken. Thereafter, the 2nd respondent passed various orders, dated 15-04-2007, against each of the petitioners in Ref.No.A/78/07 observing that the petitioners have not appeared before the 2nd respondent for enquiry to prove their right over the lands in question by producing relevant records and during the open enquiry conducted in the village, it was revealed that they are non-residents and that all the pattas were created to obtain loans only. The petitioners never cultivated the said lands. All the entries in the records are tampered and documents like pattadar passbooks etc., were fabricated. The field inspection conducted by the 1st respondent revealed that most of the lands were kept uncultivated for years together and the petitioners have not found

in possession of the said lands, but the said lands are found in possession of the Scheduled Caste people. Accordingly, it is stated that the pattadar pass books have been illegally obtained and the revenue records have been tampered to create illegitimate right over the land in question. Though ample opportunity was given to the petitioners as per the principles of natural justice, they did not submit any explanations and produced any records. Hence, all the entries made in the revenue records i.e., Adangals, 1-B, 10(1) are treated as tampered entries and therefore, while setting aside the same, the lands in question are resumed to the Government custody for eventual assignment to the eligible landless poor.

It is brought to the notice of this Court that in similar facts and circumstances, this Court disposed of W.P.No.13339 of 2007 and batch, dated 16-07-2007, setting aside the impugned orders, dated 15-04-2007, and remitted the matter to the Tahsildar, B.Mattam Mandal, Kadapa District, directing to issue fresh notices to the petitioners therein informing all the grounds, which are the basis for proposal for cancellation of assignment, and pass appropriate orders, after receiving the explanations, if any.

In the instant case also, admittedly, notices have been issued by the 1st respondent directing the 2nd respondent to conduct enquiry, but the final orders have been passed by the 2nd respondent itself and, therefore, the remedy of appeal under Order 15 of A.P.Board Standing Orders would be futile.

Having regard to the facts and circumstances of the case, the writ petition is disposed of setting aside the impugned orders, dated 15-04-2007, and the matter is remitted to the 2nd respondent directing to issue fresh notices to the petitioners informing all the grounds, as indicated in the

impugned orders, which are the basis for proposal for cancellation of the assignment, giving reasonable opportunity to submit explanations within 15 days from the date of receipt of the show cause notices. If any explanations are filed within the prescribed time, appropriate orders may be passed in accordance with law, without any undue delay, preferably within a period of four weeks from the date of receipt of such explanations. There shall be no order as to costs.

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28-09-2007

Prv